THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19829 of 2006

Dated:23.11.2006

Between

Kareti Kondaiah

.....Petitioner

and

1.The Revenue Divisional Officer,

Kandukur, Prakasam District

and others.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19829 of 2006

ORDER:

This writ petition is filed seeking a Mandamus to declare the proceedings in RCF No.1112 of 2005 dated 18.8.2006 on the file of the 1st respondent-Revenue Divisional Officer as arbitrary and illegal.

Under the impugned proceedings, authorization of the petitioner held against fair price shop of Battupalli Village, P.C.Palli Mandal, Prakasam District was suspended on certain charges. The period was not specified as to suspension. The first respondent seems to have passed the impugned order as a measure of punishment.

While admitting the writ petiton, on 22.9.2006 an interim

order was granted directing the respondents to continue the petitioner as fair price shop dealer of Battupalli Village, PC Palli Mandal, Prakasam District by suspending the operation of the order dated 18.8.2006.

Now a vacate stay petition and implead petiton is filed by the 3rd parties. Official respondents also filed a counter.

In the counter filed by the official respondents, the allegations made by the petitioner were denied and it was asserted that the impugned order was passed in view of the fact that all the charges framed against the petitioner proved.

Now it is brought to notice of this Court that a statutory appeal has already been filed before the 2nd respondent-Joint Collector, Prakasam District against the impugned proceedings and the same is pending.

In view of the above, without expressing any opinion on merits, the 2nd respondent-Joint Collector is directed to dispose of the appeal purported to have been filed before him on 7.9.2006 against the impugned order dated 18.8.2006, within a period of six weeks, from the date of receipt of a copy of this order. During pendency of the appeal, the interim order granted by this Court on 22.9.2006 shall continue.

Writ petition is disposed of accordingly. No costs.

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23-12-2006

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